

EVALUATION REPORT OF ACCESS TO JUSTICE PROJECT

(LEGAL AID AND DISPUTE SETTLEMENT OFFICES IN FAMILY COURTS)

By: Fatema Khafagy, Ph.D – Consultant
Ms. Thanaa El Shami - Research Assistant

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List of Acronyms

ICT	Information, Communication and Technology
DSO	Dispute Settlement Office
LAO	Legal Aid Office
MoJ	Ministry of Justice
MSAD	Ministry of State for Administrative Development
UNDP	United Nations Development Program

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I – EXECUTIVE SUMMARY:

The project aims at enhancing the institutional and human capacity of the judicial sector and operations of family courts by:

- 1) Introducing the legal aid concept
- 2) Strengthening the mediation function of family courts.

Poor litigants especially women were able to access swifter, efficient and pro bono access to justice when there are LAOs in family courts. Litigants did not have to use lawyers who hang out in the court trying to catch clients to provide sometimes a small service in unfavourable conditions and charge the fees they decide upon . LAOs have not only helped the poor in obtaining better services in a friendly way and at no charge, but they also were able to get legal advice and know about their rights especially with regard to family law.

LAOs are well furnished, well equipped and majority of them have libraries, and waiting area for litigants. However they lack two important things; telephone land line and accessibility to internet that can facilitate work processes and cut down on time spent on preparing litigants' files.

The capacity of staff of LAOs is enhanced through a number of pre-service training workshops they attended as well as in-service training that they sometimes attend with staff of Dispute Settlement Offices. However, in several cases, it was found that some of the staff of LAOs gets transferred abruptly and sometimes with no replacement. This negatively affects the work of such offices and deprives them from staff who has been well trained for the job performed.

The work of LAOs help in providing the Judge with litigant's files that are well prepared and have all the documents needed. This is considered a great help to judges who commended staff of LAO in being efficient in doing their work.

On the contrary, DSOs were found to lack good working environment. Majority of these offices lack the necessary equipment like computers or telephones, lack adequate furniture including filing cabinets in which they can file the pleads they handle. Many of the staff of these offices complained about shortage of staff, lack of supervision or monitoring from the part of the central department of DSOs at Ministry of Justice. Some of the staff of DSOs has attended some courses provided by the project on mediation and negotiations while others especially new staff claimed that have not.

There are many problems related to the work relationship with Nasser Social Bank especially those related to settlements of alimony. The bank does not accept the settlement reached by the DSOs. This might be due to the fact that the Bank doubts that women are appropriating the new system of mediation for their own advantage and in creative ways. They think that women use it as one of several means of negotiating with their husbands for different claims such as adequate spousal maintenance before going to the DSO. This might be true in some cases but should not be considered a common

practice and consequently penalize all women litigants. The inability of granting women a temporary alimony upon divorce is another problem. Problems with Bank Nasser need to be addressed and solved as early as possible.

The Judicial Information Center of Ministry of Justice has a very ambitious plan of automating many processes related to family courts, some of which will allow internet connections that will facilitate and speed up work processes. It will also guarantee that no falsifying of official documents will take place . The role of this project in helping the center to reach this aim needs to be clarified.

U s recommended that family courts establish LAOs and upgrade DSOs so that there could be more efficient and speedy access to justice by the poor who include a large number of women.

II- INTRODUCTION:

The relationship between the legal reforms and social change is a complicated one. Many factors affect this relationship. These include flaws in legislation, difficulties in implementation, the attitudes of judges and the influence of cultural beliefs. All can pose challenges to the effectiveness of accessing justice by the poor.

In order to use legal reform to aid the poor especially women there is a need to make sure that laws are well formulated, that they are just and well implemented, that social and institutional conditions are favourable and that the political and cultural environment is supportive.

Egyptian women in their search for legal and social empowerment in the area of family law, managed to score some small victories. They, for example managed to pressure for the Khule law, and to change the custody age of children.

The project aiming at establishing Legal Aid Offices and upgrade Dispute Settlement Offices in a selected number of family courts is an important step towards helping the poor especially women in accessing justice in a swifter and in more friendly way. This evaluation of the project includes the achievements made since the inception of the project ,as well as recommendations to maximize the benefits derived from the project's activities in accessing justice in family courts.

III – BACKGROUND INFORMATION ON THE PROJECT:

Law No. 10 for 2004 introduced the system of Family Courts through which citizens can appear as individuals (without legal representation). The Ministry of Justice relied on family courts because of the growing numbers of litigants and the increased volume of cases and their complexity. Family courts introduced the concept of mediation before litigation. The first step was the establishment of mediation offices which are dispute settlement offices staffed by psychologists and social workers beside legal staff in order to try to convince spouses or divorcees of amicable settlements instead of filing court cases.

Ministry of Justice and UNDP have agreed to introduce Legal Aid Offices in selected number of family courts as well as upgrading the skills and knowledge of the staff of the Dispute Settlement Offices. This concern stems from the fact that the majority of litigants facing family conflicts are women who are from disadvantaged groups. Many of them fear resorting to lawyers and going to courts which are both time and money consuming. They are keen to avoid the experience of lengthy and costly access to justice.

The first phase of collaboration between UNDP and MOJ started in July 2008 and resulted in the establishment of two legal aid offices in two family courts in the Governorates of Suez and Beni Suef, as well as capacity building of the staff of the dispute settlement offices and that of the newly recruited staff for the Legal assistance Offices.

The Ministry of Justice and UNDP agreed to extend the project for two years with a view to achieve the following:

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- 1) Up scaling the implementation of Legal Aid Offices and upgrading of Dispute Settlement Offices in at least three additional family courts. It was agreed to set up three Legal Assistance Offices in the family court of Zananeery in Cairo, Luxor Family court and the family court in Alexandria. It was also agreed to provide the family courts of Zananeery , Luxor and Alexandria with computers, furniture, necessary tools and air conditioners.
- 2) A cooperation between Ministry of Justice (MOJ) and Ministry of State for Administrative Development was envisioned to enable the project to identify approximately five additional family courts and dispute settlement offices to expand the coverage of the project activities subject to the availability of funds
- 3) Enhanced institutional capacity of family courts by building the capacity of the staff of Legal Aid Offices and Dispute Settlement Offices of family courts as well as judges by organizing workshops to update judges on the practical applications of family law and to enhance the mediation skills of staff of the Dispute Settlement offices. Staff of the two offices have also participated in workshops to enhance their communication and negotiation skills, computer skills as well as increase their knowledge of family law and its application
- 4) Enhanced access to justice through ICT by establishing coordination between the project management Unit and the Judicial Information center of the MOJ as well as the Ministry of State for Administrative Development. The purpose of this activity is to extrapolate the available data in some family courts, and develop the Electronic Judicial Service for Family Courts which will include the data of prosecuted cases, resolutions and the dates of hearings...etc. This would enhance access of all litigants to information. It would be applied through technological services which will be available in cooperation with the Judicial Information Centre. Both Ministry of Communications and the Ministry of State for Administrative Development are to take positive steps in this regard through expanding the internet coverage to several villages and cities in addition to the automation of courts and prosecution offices
- 5) Establish a video conference unit in one of the courts in lower Egypt to facilitate distance learning/training and conferences
- 6) Establish electronic network between Legal Assistance Offices in the governorates of Suez and Beni Suef on the one hand and with the Nasser Bank on the other hand to facilitate the implementation of the court decisions with regards to the payment of alimony for women. This network will help save time and effort.
- 7) Identification of international and comparative experiences to enhance the performance of family courts.

By end of the second phase of the project in 2012, the project has set up a unit inside the office of H.E. Minister of Justice to manage the project. Legal Aid Offices in Family Courts were staffed by qualified personnel and their capacity has been enhanced by giving them

the necessary training. Workshops with judges of family courts were also undertaken. These offices were also equipped with the necessary equipment and furniture. Awareness raising materials about the services provided as well as manuals for litigants were produced and distributed. Visits to similar courts and offices in a number of European countries were undertaken during the period of the project. Foreign judges were invited to Egypt to share their experiences.

The Ministry attaches high priority to the development of the judicial as well as the administrative capacity of courts which is to be achieved through continuous training and exposure to international best practices and comparative experiences.

The strategic importance of this project for Egypt is based on the operationalization and offering services to citizens through the setting up of additional Legal Aid Offices and provide support to Dispute Settlement Offices to enhance the quality of access to justice by litigants in family courts especially women. This contributes to the achievement of the millennium development goals as well as the efforts of the Egyptian government to enhance the situation of women and to modernize the justice sector through improving case management. The project will especially focus on capacity development through training and benefitting from international experiences and best practices as well as the deployment of ICT to strengthen capacities of human resources in family courts as well as operationalizing monitoring and evaluation of project activities.

The project aimed to facilitate access to justice and to design and implement administrative and judicial reform with a view to enhance citizen's access to justice. The Project supports family courts to enhance the quality of services to citizens through the setting up of additional Legal Aid Offices and through support to existing Dispute Settlement Offices. This is in addition to enhancing e-services for citizens which will be integrated with the on- going automation programme that is currently being implemented by the MSAD within the framework of the protocol signed with MOJ.

IV – METHODOLOGY OF EVALUATION:

The evaluation relied on both desk research and field research:

- 1) All documents including project agreement document, previous evaluations, periodic reports and training and advocacy materials were reviewed by the consultants.
- 2) The evaluation assessed the performance and achievements of the project at the output level namely "effectiveness of legal aid and disputes settlement of family courts as well as the dissemination of human rights knowledge". The evaluation also assessed the contribution of the project at the outcome level "Human rights principles widely applied in Egypt."
- 3) In assessing the achievements and performance, the evaluation considered the following:
 - a) Identifying factors that have facilitated and/or impeded the achievement of the objectives

- b) Assessing the relevance, efficiency, effectiveness, and sustainability of the project activities particularly in facilitating litigants' access to help, as well as save time, money and effort
- c) Evaluating the project strategy in promoting legal aid services to litigants
- d) Assessing the impact of project activities on the awareness and capacity development of human rights practitioners in the area of Prompt Justice
- e) Assessing the Visibility and outreach of the project
- f) Lessons learnt and recommendations to sustain the project outcome.

Field Research:

The evaluation relied on field visits to a number of Legal Assistance Offices and Dispute Settlement Offices in eight family courts in different governorates. These governorates were Suez, Alexandria and Cairo. The consultants also visited two family courts in Cairo that did not have Legal Aid Offices to use them as a control sample.

The Legal Assistance Offices and dispute settlement offices visited were in the following family courts:

- Heliopolis family court
- Suez family court
- El Dekhila Family court
- Bani Suf family court (staff met with at the Ministry of Justice)
- El Zananeery family court
- ICT judicial Center at el Tagamoe El Khames court

The following two family courts which did not have Legal Assistance Offices were visited as a control sample for purposes of comparison:

- Nasr City family court
- Kit Kat family court in Embaba

Two of the family courts; Bani Suf and Dekhila in Alexandria were burnt during the revolution; therefore the consultants interviewed the staff of the Legal Assistance Office of Beni Suf family court at the premises of Ministry of Justice in Cairo. The consultants visited the family court of El Manshiat in Alexandria and met with the judge and staff of USAID Legal Assistance Office there. They could not visit Dekhila family court because it was burnt during the revolution and being renovated at the time of the visit.

During the different visits, the consultants interviewed all staff who works in each of the above mentioned offices, some of the women who were seeking the services of the office of Legal Assistance at the time of the visit and also judges or assistant judges in some of these family courts.

The offices of the Legal Assistance were also assessed by the consultants with regards to the location itself and if it can allow meeting litigants in confidentiality or not. They also took note of the existing equipment such as the computers and the photocopy machines...etc. They have asked about the maintenance and speed of repairing such equipment.

In Annex I, the questionnaire that guided the interview of the staff of the Legal Assistance 5/..

Offices is attached.

V – FINDINGS:

The following outputs were evaluated:

- 1) Enhanced quality of access to justice by litigants in family courts
- 2) Enhanced institutional and human resource capacity of the judicial sector
- 3) Enhanced access to justice through ICT by the Judicial Information Center in collaboration with family courts' operations.

1) Enhanced quality of access to justice by litigants in family courts

Poor litigants, the majority of whom were women were able to access swifter and more efficient pro bono access to justice through:

(i) Legal Aid Offices (LAOs)

The objectives of the LAOs as stated were all achieved. These cover the following:

- 1) Establishing Project Management Unit
- 2) Developing implementation mechanism for Legal Aid Offices
- 3) Recruiting and training staff for the new Legal Aid Offices
- 4) Provide equipment and furniture to the new Legal Aid Offices

Twenty seven front offices (17) and Legal Assistance Offices (10) were opened during the two phases of the project

No.	Number of Offices	Name and place of Court	Date office(s) were opened
1	2	Suez Court	1/2009
2	2	Bani Suef Court	2/2009
3	1	Banha Court	9/2009
4	1	Sohag Court	9/2009
5	2	Port Said Court	10/2009
6	1	Helwan Court	3/2010
7	1	Kafr El Sheikh	5/2010
8	2	Alexandria Court	6/2010
9	1	Kafr El Sheikh (Matwees)	8/2010
10	1	Shubra El Kheima Court	8/2010
11	1	Zananeery court(South of Cairo)	8/2010
12	1	Ismailia Court	10/2010
13	1	Tal El Kebeer Court	11/2010
14	1	El Zakazik	12/2010
15	2	El Mansoura	12/2010
16	1	Fayoum	1/2011

17	1	Minya	1/2011
18	1	Tanta	1/2011
19	1	Mahla El Kobra	2/2011
20	1	Damnhour	3/2011
21	1	Damietta (Ras El Bar)	3/2011
22	1	6 th of October	4/2011
23	1	Misr El Gedida	2012
24	2	El Dekhila	2010
25	2	Zananeery (North Cairo)	2012
26	1	Sharm El Sheikh	2013
TOTAL	27 Offices		

A considerable number of litigants seek the services of the legal aid offices visited. During the period 2009-2012, the total number of litigants was estimated at 22,747. Women constituted over 61% of the total number seeking assistance from LAOs. During this evaluation, it was found that the number of litigants ranges between 139/month (Zananeery Legal Aid Office, North) and around 300/month (Suez and Heliopolis Legal Aid Offices). Percentage of women litigants is higher than that of men; sometimes reaching around 75%. These services are provided in an efficient and amicably manner due to the fact that all the staff interviewed is qualified, have graduate and sometimes post graduate degrees in law and other related qualifications that are required for running such offices. They are moreover aware of human rights values and principles. Each Legal Assistance Office is in majority of cases comprised of 2 legal staff members and 2 IT staff members. In some cases, it was found that one of the legal staff could be transferred by the judge of the court where the office is to somewhere else. This is considered a loss to the legal aid office since the capacity of this staff member has been built through continuous training and also through work experience.

The services provided by the Legal Aid Offices are as follows:

- 1) Give guidance to the litigants on the procedures in family courts by revising and completing the necessary legal documentation
- 2) Draft notes and petitions for those not fluent in reading and writing, including the illiterates, elderly and other citizens requesting assistance.
- 3) Prepare electronic files for each citizen within an existing computerized program.

The three services were performed adequately and with courtesy by staff of all Legal Aid Offices visited.

Litigants normally know about the existence of the legal aid offices and the services that they provide when they come to the family court. There is absence of adequate publicity of these offices.

The offices visited were provided with the necessary computers, printers as well as adequate furniture. However there were complaints from some of the offices that there is sometimes lack of enough papers and ink and the inability to make photocopies needed for the litigants.
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In few places, there was no space for litigants to wait until their turn comes. In addition all offices complained of not having a telephone landline which can facilitate contacting litigants and other staff in the same court.

There is no internet access for staff of LAO which also impede their work.

(ii) Dispute Settlement Offices:

Before a disputant can file a suit, she/he is obliged to file for mediation. Mediation is carried out by mediation specialists trained on law, psychology and social work. This can result in enhanced quality of access to justice by litigants in family courts . If mediation fails, disputants can file a court case. If settlement is reached and approved by disputants, it is legally binding. Family mediation and settlement services provided by the DSOs help low income clients eligible for legal aid try and settle family law matters such as child support, custody and access outside the court room, resolve family legal matters faster, sooner and less expensively than spending months on opposite sides of a court case and avoid the stress of court room litigation especially if children are involved.

The project helped in raising DSOs staff capacity through training which also resulted in building a constructive work relationship with staff of LAOs. However, the working conditions in DSOs are very poor. The offices visited were badly equipped and badly furnished. All the work undertaken by staff of DSOs is done manually which is time consuming and effort wasting. None of the offices visited had computers. Majority of these offices also lack space and also do not have a good filing system for example. Some of the offices visited complained about the shortage of number of staff especially psychologists and social workers. In addition, staff of some of the LAOs visited complained that the staff of the settlement offices is not aware of their work and that is why they waste their time by sending litigants whom they cannot serve.

Staff of Dispute Settlement Offices complained of the attitude of lawyers who are spread in the court trying to attract litigants to use their services and discourage them from settling their family disputes outside the court room. The lawyers also accuse staff of DSOs that they have taken away their job by offering settlement of spouses' disputes instead of letting them seek the help of lawyers. Some of the Staff of Dispute Settlement Offices have also complained that they have no connection with the Department of Dispute Settlement at the Ministry of Justice. They also complained about lack of follow up or monitoring of their work from the part of the MoJ and the latter negligence of discussing and solving the work problems they face .

On the technical side, almost all the staff of the Dispute Settlement Offices complained of several issues related to the implementation of alimony settlements. There are several unsolved problems with Nasser Social Bank. Among these problems are the non recognition of any settlement on alimony arrived at by the spouses without a court ruling, the refusal of Bank Nasser to pay the temporary alimony and the refusal of the private sector to pay the agreed upon alimony amount reached by the Dispute Settlement Office. Staff of Dispute Settlement offices has also complained about a loophole in the law that does not oblige the spouses to show up in the office to engage in mediation process before going to court. The show up of the two parties is optional and in many cases one party, usually the man does not show up. Therefore a mediation process becomes impossible.

2) Enhanced institutional and human resource capacity of the judicial sector:

Several training workshops were organized for staff of the LAOs and that of Dispute Settlement Offices. In 2008, a 3-day workshop on several legal issues and details of the personal status law was delivered for staff of LAOs. During the same year, a training workshop was delivered to staff of Dispute Settlement Offices. In 2010, another training workshop for Dispute Settlement Offices on communication skills, family dispute, work mechanisms and IT training was delivered. A specialized IT workshop was organized for staff of front offices of LAOs to link these offices with the Judicial ICT center. Two workshops were also organized in 2010 for LAOs and front line desks on work procedures, legal issues, IT..etc. In 2011, a training workshop for dispute settlement offices staff was delivered by a German trainer on negotiations and mediation. In 2012, a workshop was organized for judges of family courts in collaboration with the French Cultural Center with the participation of French judges on disputes of personal status law for both Moslems and Christians. In 2012 a training workshop on work procedures was organized for staff of LAOs. It also included issues concerning the family law. In 2013, a training workshop was organized for judges of family courts on the practical problems facing family courts. It included problems associated with inheritance, custody residence, divorce, marriage proof. A joint training workshop for staff of LAOs and Dispute Settlement Offices on work procedures, IT skills, communication skills as well as legal issues on alimony, inheritance...etc. In 2013 a training workshop was also organized with LAOs on legal issues, mechanization of family courts, crisis management...etc.

Staff of LAOs and Dispute Settlement Offices mentioned that they have benefitted a lot from the training they took. They also asked that there should be continuous joint training especially with staff of Dispute Settlement Offices.

The different training offered enhanced the capacity of staff of LAOs who mentioned that regular on the job training with staff from offices in different family courts will allow them to exchange experience and learn from one another.

Few staff was able to travel to get acquainted with similar models of courts and Legal Aid Offices in Europe. It is recommended to increase the number of staff and also judges who can participate in such visits or study tours. These visits will enhance knowledge and help learning from good practices to emulate and upgrade LAOs and DSOs in family courts in Egypt.

The following are details of each legal aid office and dispute settlement office visited.

a) Suez Family Court:

There are two Legal Aid Offices in Suez Family Court which were opened beginning of 2009. Both have 6 staff members; two of them are graduates of faculty of law, one is a graduate of faculty of commerce. And 3 are graduates of IT faculty. All Staff members live in Suez. Staff mentioned that they receive from 75 to 80 litigants weekly, of which 80% are women and 20% are men. Working hours are from 8 1/2 am till 2 pm. The most important services provided by the legal aid offices to women are those related to all kinds of alimony, custody and support payments (funds of children below 21years who are under financial guardianship). Services offered to men were related to child visitation.

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The role played by staff of the legal aid office of Suez:

- 1) Investigating if the litigant's request falls within the jurisdiction of the office or not; i.e. has the chance of being settled outside the court
- 2) Informing the person asking for the service that his/her request is free of any administrative fees
- 3) Writing the pleading form and sending it to the dispute settlement office
- 4) Helping the litigant to take up his/her request to the family attorney office. These are the pleadings that do not need the signature of a lawyer such as those of financial guardianship and personal guardianship.

The staff also inform litigants of their legal rights concerning the family law and details about requests that can be handled by the LAO as well as the role and services provided by the Dispute Settlement Office.

Staff of the legal aid office of Suez court have benefitted from several training courses including the pre-service training on mediation and settlement skills, social communications skills and personality types. However, they mentioned a number of other training workshops that they need to attend such as training on all types of guardianship as well as their need to learn English legal terminology.

There is an observance of confidentiality in meeting litigants in this office as each one is met individually.

Each LAO has a computer and a printer. There is no land line telephone in the offices. There is also no internet connection in the offices. These two things required by staff are important to supply them with.

Litigants know about the LAOs through different staff who work in the court and sometimes from the judges themselves. In addition, since Suez is a small city may be that is why a lot of people know about the offices. A woman litigant who came to the office was asked how she knew about the office of legal assistance. She mentioned through the family court.

Obstacles Faced by the staff included lack of access to internet and telephone land line, problems related to Nasser Social Bank especially with regard to alimony:

They suggested that LAOs cover also pleads concerning children, pleads of the State Council and those of the working force. They also requested that the LAO be continuously furnished with new laws issued. They also requested being connected through the internet with all important and related government websites. They also suggested assigned a special place for children in family courts, that they are provided with new training courses in English language that include legal terminology in English and also training on subjects such as financial guardianship and inheritance. They also requested that in cases of alimony, investigation of salaries of husbands be made through internet.

Suez dispute settlement office:

The staff of the Dispute Settlement Office commended the work of the staff of the Legal 10/..

Aid Offices which always cooperate with them. They also commended the good preparation of all documents needed before sending litigants to the Dispute Settlement Office.

It is worth noting that the staff of the Dispute Settlement Office mentioned that the number of settlement cases is on the decline because of the inability to oblige the spouses to attend mediation sessions at the Office. They also mentioned their need for continuous training on mediation and negotiations. There has been a request made to increase the staff of the office by another legal person.

Obstacles mentioned by the staff of dispute settlement office include :

- 1) Lawyers do not accept the role played by the legal aid office or the dispute settlement office
- 2) Loopholes in the legislations related to the personal status law especially with regard to settlement agreements in alimony that have to be implemented by Nasser Bank
- 3) The refusal of the private sector to implement the agreed upon settlement on alimony delivered by dispute settlement offices
- 4) There is no recognition of settling the alimony through an agreement between the two spouses and only accepting the one that is issued by a court ruling
- 5) There is no enough regular training for the staff of the dispute settlement offices especially on negotiation and mediation

Meeting with the judge of the Suez Court:

The judge complained that there is no enough publicity about the existence of the legal aid offices and the services they provide. He suggested the use of media especially TV, NGOs and health centers to publicize the office. He also suggested that there should be a note circulated to chiefs of courts and all court staff to make all aware of the services provided by these offices. He recommended that there should be more awareness raising activities targeting rural areas. He also mentioned that the lawyers' syndicate should raise awareness of all lawyers and seek their support to the role of these offices.

He also complained about problems associated with the inaccessibility of women to temporary alimony, which is supposed to be made available right after divorce. He also mentioned that spouses' participating in mediation sessions organized by DSOs should be obligatory by law.

The judge has attended training courses through the similar US Aid supported project. He also mentioned that visits to other countries could be useful in gaining experience from the work of similar offices in family courts.

He recommended the expansion of the work of legal aid offices in order to handle cases of workers and those about health care

He commended the role of the LAOs in preparing the pleading form in a complete way which makes it faster to reach a solution without delay.

The judge suggested that all heads of courts and their assistants in the different courts should be made aware of the role of the offices so that they do not transfer any of the staff

of these offices to other places. He considers it important that the chiefs of courts should Participate in monitoring continuously the work of these offices. He furthermore, suggested that staff of LAOs should always explain to litigants what is written in the pleading so that they can effectively present it during litigation. The judge also referred to the importance of connecting the Ombudsman office at the National Council of Women (NCW) with the legal aid offices

b) Heliopolis Court:

The legal aid office was established in 2012. Staff includes two graduates of faculty of law, and one graduate of IT faculty. The office receives around 222 per month; 30 men litigants and 192 women litigants). The largest number of cases received is about alimony. 85% of litigants are women and 15% are men. Men's requests are about child visitation and annulment of alimony rules. Average age of litigants is between 20 and 35 years. Majority of litigants come from Al Salam and Al Marg , two urban low income areas. Staff mentioned that around 50% of women litigants are illiterate. They also mentioned that the staff of the Dispute settlement offices is aware of their work. They send monthly statistics on the litigants they receive to the project director at the MoJ. They complained though that they have no connection with the judges of the court. The office has no telephone land line or internet connection. Something staff has complained about like all other staff in other LAOs.

Staff of the LAO has had training on dispute settlement. There have been two training workshops with the staff of the Dispute Settlement Offices. However, they complained that in some cases, the staff of the Dispute Settlement Office sends litigants who cannot be served by the LAO. They mentioned the need to have a continuous relationship with the staff Dispute Office such as regular meetings to enhance work effectiveness. They, furthermore mentioned that they need other kinds of training such as training on how to reclaim alimony.

Staff of LAO complained that the office space is small which does not allow any confidentiality and there is no waiting space for litigants or for their children. They badly need the internet connection so that they can download forms. This especially, that forms of pleads are not always available. The office does not also have a library with reference books and laws that they can make use of. They do not deal with financial requests because the attorney office is the one which handles these cases.

Staff of the LAO of Heliopolis court expressed their needs. They want a library, continuous supply of ink for the printers, timely maintenance and repair of their computers, more coordination with staff of DSOs through regular joint training especially in negotiations and to sort out problems created by Nasser Social Bank in implementing alimony settlements. The staff have also complained that their office is not secure especially at times of demonstrations as their office lies separately outside the court and very near to the main street.

Staff of the LAO suggested that there should be a halt on transferring experienced staff to other places, that they be connected to the bailiff's office and to publicize and raise awareness of the public about the existence of LAOs and the services they provide.

Three women litigant were interviewed during the visit. They mentioned that they knew
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about the office from the court itself. They all commended the staff and the services extended to them. They mentioned that their cases are being solved quicker due to the services provided by LAO.

Dispute Settlement offices:

Staff of DSOs always complains of unfavourable working conditions. They mentioned that they had a training workshop on negotiations. However they said because there is new staff, there is a need for continuous training.

Staff also referred to the need of more coordination between the two offices; LAOs and Dispute Settlement Offices. They expressed the usual complaints from Nasser Social Bank which in sum does not accept the role of the Dispute Settlement Office. Staff recommended organizing meetings between Nasser bank and the Dispute Settlement Offices. They also complained of the fact that the law does not oblige the two spouses to attend the mediation sessions held by the DSO. The staff mentioned that due to their inability to implement agreed upon alimony arrived at with the two spouses, there has been an increase in divorce and khule cases.

c) Bani Suef Court:

The LAO in Bani Suef Court was established in 2009 and was burnt during the revolution. The staff of the office is hosted now inside a school and they serve two courts in Bani Suef.

The staff of LAO is comprised of three graduates of law school, three graduates of IT faculty. They receive around 290 litigants per month. In July 2013, they received 193 litigants 51 of them were men and 43 were women. In one year, they received 570 men and 1021 women. Requests of litigants are mostly financial pleads and inheritance pleads. Both do not need the services of lawyers. They consider pleads related to alimony as the most important ones.

The staff mentioned that there is a great need to publicize the office and the services it provides especially on TV, in youth and in health centers. They said that they can receive much more litigants if the office is publicized regularly.

Staff of the LAO informed the consultants that they have good relationship with the staff of the Dispute Settlement Office especially that there is one staff who works in both offices. The staff mentioned the need for furniture and another computer instead of the ones that were burned. They are also in need of a new library and supply of stationery they use at work.

The staff has had eight training courses. However, they mentioned that they need regular refresher courses, they need increased number of legal training, the need for ICT training for legal staff as well as regular meetings with staff of other LAOs in order to exchange experiences and learn from one another.

They expressed their need to be connected with head of the court who should know about the Legal Aid office and the services it provides.

There is no monitoring system that is carried out between the PMU at the Ministry and LAOs. However the staff mentioned that there is an easy access to the project's director and the project's staff at MoJ whom they contact when they need to ask about anything. The staff has two computers and two printers.

The staff also strongly recommended the Issuance of a ministerial decree to put an end to transferring staff of legal aid offices without consulting their Department at MoJ.

d) Manshia Court in Alexandria:

The consultants visited Manshia court which does not have a UNDP supported LAO but has a USAID supported LAO. The Dekheila court which had a LAO was burnt and that is why was not visited. Reconstruction of Dekheila court is taking place and will be re-opened after thirty days. Dekheila court will have two LAOs supported by UNDP and the court will be electronically connected with the Information Center in Cairo.

The consultants had a meeting with the judge of the family court in Manshia and another legal counselor. They both mentioned that lawyers are problematic as they have a personal interest that litigants do not arrive at amicable solution outside the court. However, the situation is improving and getting better because lawyers have better understood the role of the LAOs. They also mentioned that there are several problems that resulted after the revolution. For example, the number of lawsuits increased and the family disputes increased. The judge mentioned that the majority of litigants are women.

The judge commended the work of the LAO and the competency of its staff which makes access to justice is swifter. The files transferred to judges are in such case complete without having to resend for missing documents. However, he mentioned that majority of judges do not know about the services of LAOs. He also mentioned the need to publicize these offices especially that a great percentage of the population is poor and illiterate. He recommended that such publicity should focus on rural areas which are more in need of such services. He suggested expanding the work of LAO to cover requests of workers. He believes that a systematic monitoring of the work of LAOs be set up. He also called for continuous in-service training of staff of these offices.

The judge focused on the problem of the maintenance and repair of the court's equipment especially computers. He mentioned that a large number of them have become obsolete without being replaced. He also mentioned the need for access to internet services.

He also recommended merging LAOs supported by USAID project with the ones supported by UNDP in one department.

Legal Aid Office (USAID)

The LAO supported by USAID was visited. The office was established in 2010 and it has four staff members. They used to be eight before but four of them were transferred to other

places. There are two female and two male staff, two are legal staff and the other two are IT staff. Although the USAID project has ended yet the offices are still in operation. Staff mentioned that most of the requests presented are alimony ones. They also criticized the fact that the alimony settlements are not recognized by Nasser Social Bank.

Staff of the LAO mentioned the same problems mentioned by staff of other LAOs such as problems encountered because of lack of cooperation of Nasser Social Bank, maintenance problems with the computer, lack of telephone landline and lack of telephone connection with the rest of the court's offices and insufficient training provided.

They suggested holding yearly meetings for LAO staff with judges and also unifying the system of work in all LAOs.

e) Zananiry Family Court, Cairo:

Legal Aid Office:

The office was opened in April 2012 and has five male staff; three legal staff and two IT staff. They receive around 120 requests per month. Litigants knew about the office from other staff of the court and from judges. Staff of LAO mentioned that there is a need to advertize the office especially in TV to make it known to poor and illiterate people

Most of the requests they receive are about alimony. Litigants who need lawyers are sent by the staff of LAO to the Ombudsman Office of the National Council of Women who makes available lawyers who work pro bono.

Staff of LAO mentioned that they have good work relationship with staff of the DSOs. They believe that the biggest problem they face is from lawyers who are inside the court and try to convince litigants to use their paid services instead of going to the LAO.

Staff of LAO has attended eight training workshops; last one was in September 2013. However they mentioned that they other trainings such as one on the visitation issue.

Staff of the LAO mentioned the same problems mentioned by staff of other LAOs; problems created by Nasser Social Bank, insufficient number of computers in the office, the need for access to internet and lawyers' attitude who try to discourage litigants from seeking the services of LAOs.

Since the USAID project has ended staff of the LAO supported by USAID have no link with the Ministry and their work is not monitored or supervised. They recommended merging all LAOs under one department.

Dispute Settlement Office:

DSO has three legal staff, one psychologist, one social worker and two administrative staff. They mentioned the need for another two psychologists and two social workers. This is due to the fact that two of their retired staff were not replaced. Staff feels that they are not

given enough attention or esteem and hence lawyers in the court do not respect them or the work they perform.

They complained about the fact that Bank Nasser does not recognize the settlements of alimony they conclude at the DSOs. They also criticize the fact that the presence of the two opponent litigants to the DSO is optional and not obligatory makes it difficult to fulfill their role. Staff of DSO also complained about many bottlenecks created by Bank Nasser

Staff of Dispute Settlement Office mentioned that they did not take training with staff of the Legal Aid Office. However, both have good work relationship. They requested annual or semi-annual regular training

The Control sample:

The two courts used as a control sample show clearly the difference when a court has a LAO or not. Litigants especially women suffer when they have to deal with lawyers to prepare their petitions for them. They have to pay fees for these lawyers and the latter do not provide these women with any legal rights information as normally staff of LAO do with litigants they receive. Furthermore, work of DSOs when there is lack of LAOs becomes lengthier and more complicated sometimes as dealing with the lawyers becomes much more problematic than dealing with LAOs. Sometimes, they are asked by illiterate women to help them write their petitions which take time. The following two courts were visited as control sample.

f) Kit Kat family courts, Embaba:

Kit Kat has eleven family courts serving many populated residential areas in Dokki, Agouza, Haram, Giza, BeauLac Dakrori. Embaba...etc. The court does not have a Legal Aid Office. Few of the litigants know about the Ombudsman Office of the National Council of Women and seek their help. The majority does not know about it and are obliged to deal with lawyers in the court who decide on the fees they charge.

A visit was paid to the dispute settlement office which has five staff, one social worker, one psychologist, one legal expert and one, administrative staff beside the head of the office who is also a legal person. There is a shortage in the number of specialized staff. The office receives around 100 litigants per month. The staff of the DSO complained that they have to deal with lawyers who always blame them that they negatively affect their business by trying to solve disputes without litigants going to court. They have heard about LAOs and the services they provide and they are looking forward to opening such offices in Kit Kat Court and expressed their willingness to work closely with them.

Staff of DSOs complained about the same things other offices have complained about. Most importantly problems of Nasser Social Bank, lack of office space which hinders the possibility of meeting litigants in private and also the ability of having an efficient filing system. They also complained about the fact that they have not had any training since 2010.

g) Nasr City Court:

A visit was paid to the dispute settlement office in Nasr City which has 15 staff (head of the office is a woman, 3 legal specialists, 6 social workers, 3 psychologists, 2 administrative 16/..

staff. They handle around 4300 cases per year. The head of the office heard about the legal aid offices in general but does not know their TORs. She mentioned that people in Madinet Nassr because they are poor and disadvantaged, they would need such office. In the absence of LAOs, staff of the DSO has to write the requests for illiterate women and this delays their work and is also illegal and sometimes they send litigants to the lawyers room to help them write their requests in return of a fee paid to the lawyer. That is why they need a legal aid office. LAOs are badly needed by both litigants and by DSOs.

Challenges that were mentioned by staff of DSO are also the same like those of all other DSOs visited. They include problems emerging from cooperation with Nasser Bank, the non obligation of the two litigants to show up at the DSO. They also complained that there are no forms or prototypes of reports they can follow

Staff of DSO of Nasr City mentioned the need of opening a legal aid office in Nasr City to serve the poor, training staff of DSOs on a unified work system to be followed, organizing regular meetings with judges and DSOs central department to exchange experience, assisting staff who want to enroll in post graduate studies and subsidize their tuition fees and the mechanization of the DSOs so that they are relieved from having to write reports and settlement agreements by hand

(3) The Role of ICT in Enhancing access to Justice :

A visit was paid to the court of El Tagamoe el Khames and the Judicial Information center. The computerization of 16 million marriage and divorce certificates is taking place in this center. Before, the general, public attorney office was the source and owner of these certificates. The automation of marriage certificates will stop the problem of concluding underage marriages by " maazeneens" who are engaged in unlawful business without being caught.

There will be a great benefit of linking the prosecutor office with the LAOs because it will facilitate and speed up the execution of petitions for financial requests for underage inheritors. There is a plan of mechanizing two family courts one in Upper Egypt and one in Cairo. This will help LAOs in obtaining the documents such as birth certificates easier and quicker. The center has already started activities with some banks so that it can help the courts in accessing minors' financial balances in the banks.

The project will also aim at mechanizing the minutes of each court hearing and this will cut down on time of litigation. It will also put a halt on all faking of data that used to take place. All documents will be available through the internet and can be retrieved easily by those concerned. This will result in decreasing the number of people who have to seek the services of the prosecutor office. Documents will also be sent by post. There will be an automation of the data on inter-marriages with foreigners. The project will ultimately overcome the slowness of litigation, as well as the mistakes that could be made by the secretary of the court session. Furthermore, secretaries of the court sessions will not be able to have the authority of deciding on the agenda and order of the sessions. It will also overcome the problem of losing the documents as happened when a great number of courts were burned during the revolution. All these documents will be accessible through the computer (family register, civil registration, birth certificates, bank accounts...etc.) It will

also overcome the mistakes that could take place manually . The project is starting with two models of courts, one for North Cairo and the other in Aswan.

Such automation will also help in linking the legal aid offices with the dispute settlement offices. It will call for unifying the activities of the 50 legal aid offices; 27 established by UNDP and 23 by USAid. There is a need to mechanize the whole work inside family courts

The project will also have useful data that is not available elsewhere and can be used in studies and reports that highlight emerging legal and social problems in Egypt. These include data on marriages, divorce, Khule...etc.

VI- CONCLUSIONS:

The establishment of Legal Aid Offices is considered a great step in helping the unprivileged in accessing swift and efficient access to justice. The services provided by LAOs guarantee that the file goes to the judge complete without the need to have it returned back to include more documents needed. In the course of delivering their work, staff of LAOs raises awareness of litigants about their legal rights. This is one of the best and direct way of increasing the knowledge of the poor of their different legal rights with regard family law. Poor litigants especially women have benefited greatly from the services that are provided pro bono by the LAOs.

The project was able to establish a larger number of LAOs than what was required in the project agreement with UNDP. However, not many people know about these offices. There is no publicity plan for these offices and litigants mostly know about them when they come to the family court and told by some staff of their existence. It is important to raise awareness of the public and especially the poor about the services provided by LAOs. It is recommended to use TV as it is accessible to the majority of the population including the poor, women and rural families.

The project Management Unit has well qualified and committed staff and a capable project director with strong legal experience.

The staff of LAOs is well selected, is highly qualified, is committed and delivers their work in a way that respects clients and is friendly to litigants. It is therefore recommended not to transfer any of these staff to other jobs as it represents a loss especially after building their capacity by the training they attended and the experience they gained.

It was noticed that all the LAOs and the DSOs enjoy gender parity. There is a noticeable gender equality in staffing at all levels.

The majority of the staff has attended several training workshops, some workshops were on legal issues, some were on IT skills and other trainings were on mediation, negotiations, and communications skills. Communications and mediation training were also provided to staff of Dispute Settlement Offices jointly with staff of LAOs. The training has helped building the capacity of staff of both offices. However, several of staff of DSOs needs further training due to the fact that some of those trained retire and were replaced by new staff join. Majority of staff of LAOs also asked to be trained on English language and legal terminology in English. We believe that such request is legitimate and can widen the knowledge of the staff of LAOs.

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There is no clear monitoring system that links the PMU with the LAOs. It is true that the offices have access to PMU and can contact them whenever needed. However, agreeing on a monitoring system beyond the acquisition of the PMU of monthly number and kind of requests.

There are still LAOs offices operating which used to be supported by a USAID funded project which came to an end few years back. They exist in Family courts of Port Said, Banha, Sohag, Helwan, Alexandria, Kafr El Sheikh, Shobra el Kheima, Zananiry, Fayoum, Ismaili, Tal el Kebeir, Zagazik, Domietta, Mansoura and 6th of October. The ones in Tanta, Damnhour and in Mahala el Kobra were closed during the revolution. It is recommended that these offices be linked to the LAOs supported by UNDP.

Majority of LAOs visited are adequately located, adequately furnished and have the necessary equipment such as computers and photocopiers. However few of these offices need an additional computer or regular supply of stationery which should be met. Dispute Settlement Offices are on the other hand badly furnished, lack adequate space and lack computers. This makes their work done by hand which can produce mistakes and which takes a longer time than if done by computer. It is recommended that more support be given to DSOs to upgrade their conditions. All LAOs visited do not have a land line telephone which can facilitate contacting litigants if they need to ask them for additional documents needed for their files to contact other departments in the court. They also have no access to internet which represents a big problem.

Staff of both the LAOs and the DSOs has complained of many problems created by the Nasser Social Bank. There should be a clear agreement between the bank and MoJ in taking more practical solutions towards accessing women their and their children alimony. These include the recognition of the bank of the alimony settlement reached by the two parties at the DSO, the payment of the bank of the temporary alimony until an investigation is done about the income of the husband, making available the executive form of the alimony rule....etc. It was also complained by staff of DSOs that the two spouses are not obliged to engage in settlement and negotiations sessions in the DSO. It is left optional and hence many, especially men do not show up.

The Judicial Information Center of MoJ has very ambitious plans that will result in automation of several documents and processes of family courts. However, their plans need considerable funding. It is not clear from the project documents or the visit made the amount of financial contribution that could be made available by this project to achieve the ambitious plan of the center.

VII - RECOMMENDATIONS:

1. LEGAL AID OFFICES (LAOs):

(a) Expansion and visibility:

There is a need to open up new legal aid offices in all family courts. The services they provide are of utmost importance to the unprivileged because they help cutting on time, help those who have no legal knowledge, offer services free of charge, facilitate and save time of judges by presenting documents needed in lawsuits

complete and well prepared which guarantee speedy conclusion of lawsuits. The offices are a good model of serving citizens especially the poor of whom women represent a large percentage. It is also a place where litigants are advised of their legal rights in a friendly way.

Family courts that should be selected to provide them with LAOs should be those in Upper Egypt as there is already more concentration of LAOs in the Delta governorates than in Upper Egypt governorates. New LAOs should be located in areas that are poor so that their services could be accessible to the poor population. LAOs should also serve areas that are densely populated so that they can serve a large number of litigants.

It is recommended to provide the existing LAOs with land line telephones and access to internet which will facilitate work and speed it further.

Staff of LAOs should not be transferred abruptly as this represents a loss to LAOs since these staff have gained work experience and were well trained.

There is a great need to publicize LAOs and the services they provide. TV is recommended to have programs or spots to raise awareness about the public about the existence of these offices. In addition, youth centers, health centers and NGOs could be good place to distribute publicity materials about these offices and the services they provide. There should also be regular meetings with the judges of family courts with the staff of LAOs so that judges are aware of their work.

(b) Capacity Enhancement of LAOs

There should be continuous in-service training of staff of LAOs. For new staff a series of training workshops should be provided to them. Additional courses on English language and English legal terminology is requested by majority of staff members.

There is a need to set up by the PMU in consultation with the staff of LAOs a monitoring system that goes beyond monthly reporting on number of litigants and kinds of requests made.

Best staff of LAOs with PMU staff and family court judges should be engaged in study tours to other countries that have similar legal systems and similar LAOs to gain experience.

It is recommended to merge the LAOs supported by this project with those supported by USAID to be under one department at the Ministry of Justice. They should follow the same work procedures and have the same monitoring system.

The establishment of a video conference unit in one of the courts could be useful in facilitating distance learning/training and conferences. The selection of this court should be based on agreed upon criteria discussed widely with PMU staff and staff

of LAOs.

DISPUTE SETTLEMENT OFFICES (DSOs):

Dispute Settlement offices should be given much more attention by the project. Upgrading some of these offices with regard to furniture, computers, filing cabinets....etc is very much needed. In addition, regular training of staff of DSOs jointly with staff of LAOs should be planned and implemented. This will enhance good work relationship between the two offices and will facilitate each office's work in serving target groups.

PARTNERSHIPS:

It is recommended to establish a referral system between LAOs and the Ombudsman Office at the National Council of Women whereby LAOs can transfer litigants who need lawyers to file court cases for them free of charge.

All problems caused by Bank Nasser should be addressed. A meeting should be organized and presided by Minister of Justice and Minister of Social Solidarity. PMU should present all problems well articulated by staff of LAOs and DSOs in order to arrive at immediate solutions to be taken by Bank Nasser immediately. The problems include the non-recognition of the legality of settlements arrived at by DSOs, the unavailability of the implementation documents issued by Nasser Bank (الصيغة التنفيذية لاحكام النفقات)

A clear agreement with reasonable budget should be concluded with the Judicial Information Center to facilitate dispute settlements and litigation process.

ANNEX I:

Interview with staff of the LAOs

Name of family court:

Name:

Education:

Length of employment at LAO:

Specific work inside the office:

Working hours:

How do litigants know about the office:

Training courses attended:

How many litigants the office receives: /week or /month

Percentage of women litigants:

Obstacles faced by staff:

Needs as staff member:

Needs of the office:

Positive aspects you see in these offices:

Negative aspects you see in these offices:

Recommendations and suggestions: